EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Jonathan Berschadsky on May 5, 2009.

The application has been amended as follows:

In the Claims

Claim 1. (Currently Amended) An apparatus comprising a processor and a memory

storing a program executable by the processor, wherein the program includes computer code for

implementing a method for facilitating interaction between a consumer and a merchant, and

wherein the method comprises comprising the steps of:

receiving, by an interface device, consumer preference information and restriction

information associated with a consumer,

wherein the consumer preference information is provided by at least one

of the consumer, a parent of the consumer and an employer of the consumer, and

wherein the restriction information is provided by at least one of the parent

of the consumer and the employer of the consumer;

storing the consumer preference information and the restriction information in at least one database in associated[[ion]] with the consumer;

receiving, by the interface device, offer information from the merchant via a broadcast that reaches a plurality of potential consumers, wherein the offer information relates to a product;

receiving, by the interface device, consumer identification information from a smart card associated with a card including card information corresponding to the consumer;

retrieving, by the interface device, the consumer preference information and the restriction information from the at least one database based on the received consumer identification information;

customizing, by the interface device, the offer information received from the merchant via the broadcast with prestored offer information retrieved from at least one database, to create an amended offer for the consumer, wherein the prestored information is selected according to the consumer preference information and the restriction information, and wherein the amended offer includes at least one specified method of acceptance determined by at least one of the consumer identification information and the restriction information;

transmitting, from the interface device, the amended offer with the at least one specified method of acceptance to a display for viewing by the consumer wherein the amended offer specifies a method of acceptance;

retrieving, by the interface device, the restriction information from the database based on the received consumer identification information;

~~determining that the consumer is authorized to accept offers based on the restriction information;~~

receiving, by the interface device, an acceptance of the amended offer from the consumer, wherein the acceptance is associated with the amended offer and the acceptance includes ~~smart~~ <u>the</u> card information;

retrieving, by the interface device, consumer payment information from the database based on the received consumer identification information;

amending, by <u>an amended offer processor</u> ~~the interface device~~, the acceptance with the consumer payment information to create an amended acceptance upon receipt of the acceptance from the consumer by the interface device; and

transmitting, by the interface device, the amended acceptance to the merchant.

Claim 2. (Currently Amended) The ~~apparatus~~ <u>method</u> of claim 1, wherein the step of transmitting the amended offer to a display includes transmitting via at least one of television programming and an Internet broadcast.

Claim 3. (Currently Amended) The ~~apparatus~~ <u>method</u> of claim 1, wherein the consumer preference information includes at least one of demographic information, identification information, and shipping information.

Claim 4. (Currently Amended) The ~~apparatus~~ <u>method</u> of claim 1, wherein the step of receiving an acceptance from the consumer includes receiving an acceptance via at least

one of a remote control, an electronic pen, a telephone, an automatic dialing device, a

microphone, a pager, a radio-frequency device, a personal digital assistant, [[the]] a smart card, a

digital video recorder (DVR), a personal video recorder (PVR), and a simulated button.

Claim 5. (Currently Amended) The ~~apparatus~~ method of claim 1, wherein [[the]]

a smart card information includes at least one of authentication information, an embedded

certificate, a consumer ID and a password, an identifier, data-encryption information, a digital

signature, a secure file structure, and a trusted third-party download.

Claim 6. (Currently Amended) The ~~apparatus~~ method of claim 1, wherein the

consumer preference information, consumer payment information and consumer identification

information are provided to at least one database in a registration process performed by the

consumer.

Claim 7. (Currently Amended) The ~~apparatus~~ method of claim 1, further

comprising the steps of:

authenticating, by the interface device, the consumer; and

managing, by the interface device, consumer identities.

Claim 8. (Currently Amended) The ~~apparatus~~ method of claim 1, further

comprising the step of analyzing, by the interface device, attributes of the consumer to

substantially predict an optimal combination of offer content and context.

Claim 9. (Currently Amended) The ~~apparatus~~ <u>method</u> of claim 1, wherein the

step of amending includes amending the acceptance with at least one of: consumer loyalty point

information, an authorization from an issuer, an authorization from the interface device, a

security or wallet server authorization, a consumer authentication, and single-use account

number information.

Claim 10. (Currently Amended) The ~~apparatus~~ <u>method</u> of claim 1, further

comprising the step of developing<u>, by the interface device,</u> at least one of a consumer transaction

database, and an offer evaluation database.

Claim 11. (Currently amended) The ~~apparatus~~ <u>method</u> of claim 1, wherein the

step of transmitting the amended acceptance to the merchant includes at least one of

authenticating the consumer, and authorizing a transaction between the consumer and the

merchant.

Claim 12. (Currently Amended) A system for facilitating interaction between a

consumer and a merchant, the system comprising:

an interface device including:

at <u>least one</u> processor for processing digital data;

a memory coupled to said processor for storing digital data;

a device for accepting input of digital data; and

an application program stored in said memory and accessible by said

processor for directing processing of digital data by said processor,

wherein said interface device is configured to perform the steps of:

receiving consumer preference information and restriction information

associated with a consumer,

wherein the consumer preference information is provided by at

least one of the consumer, a parent of the consumer and an employer of the consumer, and

wherein the restriction information is provided by at least one of

the parent of the consumer and the employer of the consumer;

storing the consumer preference information and the restriction

information in at least one database [[in]] associated[[ion]] with the consumer;

receiving offer information from the merchant via a broadcast that reaches

a plurality of potential consumers, wherein the offer information relates to a product;

receiving consumer identification information ~~from a smart card~~

associated with a card including card information corresponding to the consumer;

retrieving the consumer preference information and the restriction

information from the at least one database based on the received consumer identification

information;

customizing the offer information received from the merchant ~~via the~~

~~broadcast~~ with prestored offer information retrieved from at least one database to create an

amended offer for the consumer according to the consumer preference information and the

restriction information, and wherein the amended offer includes at least one specified method of

acceptance determined by at least one of the consumer identification information and the

restriction information ~~to create an amended offer for the consumer~~;

transmitting the amended offer to a display for viewing by the consumer,

wherein the amended offer specifies a method of acceptance;

~~retrieving the restriction information from the database based on the~~

~~received consumer identification information;~~

~~determining that the consumer is authorized to accept offers based on the~~

~~restriction information;~~

receiving an acceptance of the amended offer from the consumer, wherein

the acceptance is associated with the amended offer and the acceptance includes ~~smart~~ the card

information;

retrieving consumer payment information from the database based on the

received consumer identification information;

amending the acceptance with the consumer payment information to

create an amended acceptance upon receipt of the acceptance from the consumer by the interface

device; and

transmitting the amended acceptance to the merchant.

Claim 13. (Previously Presented) The system of claim 12, wherein the

application program causes the processor to perform a step of authenticating the consumer.

Claim 14. (Previously Presented) The system of claim 12, wherein the application program causes the processor to perform a step of storing the offer information in an offer database.

Claim 15. (Previously Presented) The system of claim 12, wherein the application program causes the processor to perform steps of:

enabling consumers to perform a registration process to register consumer preference information; and

storing registered consumer preference information in the database.

Claim 16. (Previously Presented) The system of claim 12, wherein the application program causes the processor to perform a step of analyzing attributes of the consumer to substantially predict an optimal combination of offer content and context.

Claim 17. (Currently Amended) The system of claim 12, wherein the application program causes the processor to perform a step of amending the acceptance with at least one of consumer loyalty point information, an authorization from an issuer, an authorization from the interface device, a security or wallet server authorization, a consumer authentication, smart card information associated with the consumer, and single-use account number information.

Claim 18. (Canceled)

Claim 19. (New) A method according to claim 1, wherein the interface device includes the amended offer processor.

Claim 20. (New) A system according to claim 12, wherein the amending is performed by an amended offer processor in communication with the interface device.

Claim 21. (New) A computer-readable medium having instructions stored therein, which when executed by a processor cause the processor to facilitate interaction between a consumer and a merchant by performing the steps of:

receiving, by an interface device, consumer preference information and restriction information associated with a consumer,

wherein the consumer preference information is provided by at least one of the consumer, a parent of the consumer and an employer of the consumer, and

wherein the restriction information is provided by at least one of the parent of the consumer and the employer of the consumer;

storing the consumer preference information and the restriction information in at least one database associated with the consumer;

receiving, by the interface device, offer information from the merchant via a broadcast that reaches a plurality of potential consumers, wherein the offer information relates to a product;

receiving, by the interface device, consumer identification information associated with a card including card information corresponding to the consumer;

retrieving, by the interface device, the consumer preference information and the restriction information from the at least one database based on the received consumer identification information;

customizing, by the interface device, the offer information received from the merchant with prestored offer information retrieved from at least one database, to create an amended offer for the consumer, wherein the prestored information is selected according to the consumer preference information and the restriction information, and wherein the amended offer includes at least one specified method of acceptance determined by at least one of the consumer identification information and the restriction information;

transmitting, from the interface device, the amended offer with the at least one specified method of acceptance to a display for viewing by the consumer;

receiving, by the interface device, an acceptance of the amended offer from the consumer, wherein the acceptance is associated with the amended offer and the acceptance includes the card information;

retrieving, by the interface device, consumer payment information from the database based on the received consumer identification information;

amending, by an amended offer processor, the acceptance with the consumer payment information to create an amended acceptance upon receipt of the acceptance from the consumer by the interface device; and

transmitting, by the interface device, the amended acceptance to the merchant.

REASONS FOR ALLOWANCE

Claims 1-17 and 19-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1.

The prior art of record, either alone or combined, neither anticipates nor fairly and reasonably renders obvious the method of claim 1. In particular, the prior art does not anticipate nor fairly and reasonably teach a method for facilitating interaction between a consumer and a merchant comprising the steps of: receiving, by an interface device, consumer preference information and restriction information associated with a consumer, wherein the consumer preference information is provided by at least one of the consumer, a parent of the consumer and an employer of the consumer, and wherein the restriction information is provided by at least one of the parent of the consumer and the employer of the consumer; storing the consumer preference information and the restriction information in at least one database associated with the consumer; receiving, by the interface device, offer information from the merchant via a broadcast that reaches a plurality of potential consumers, wherein the offer information relates to a product; receiving, by the interface device, consumer identification information associated with a card including card information corresponding to the consumer; retrieving, by the interface device, the consumer preference information and the restriction information from the at least one database based on the received consumer identification information; customizing, by the interface device, the offer information received from the merchant with prestored offer information retrieved from at least one database, to create an amended offer for the consumer,

wherein the prestored information is selected according to the consumer preference information

and the restriction information, and wherein the amended offer includes at least one specified

method of acceptance determined by at least one of the consumer identification information and

the restriction information; transmitting, from the interface device, the amended offer with the at

least one specified method of acceptance to a display for viewing by the consumer; receiving, by

the interface device, an acceptance of the amended offer from the consumer, wherein the

acceptance is associated with the amended offer and the acceptance includes the card

information; retrieving, by the interface device, consumer payment information from the

database based on the received consumer identification information; amending, by an amended

offer processor, the acceptance with the consumer payment information to create an amended

acceptance upon receipt of the acceptance from the consumer by the interface device; and

transmitting, by the interface device, the amended acceptance to the merchant.

      The prior art do not teach the method taken as a whole.

      A remarkable prior art, cited in previous office actions, is Angles et al., US 6,385,591 B1

(hereafter referred to as "Angles"). Angles teaches a method performed by an interface device

for facilitating interaction between a consumer and a merchant (*see, e.g.,* Figure 3). Angles

teaches an advertisement provider, which could be a computer, server or program (col. 13, lines

34-59), i.e. the interface device, receiving consumer registration information from the consumer

including demographic data such as consumer preferences and account information, i.e.

consumer preference information associated with a consumer, wherein the consumer preference

information is provided by at least one of the consumer, a parent of the consumer and an

employer of the consumer (col. 14, lines 22-45), storing the consumer preference information in

at least one database associated with the consumer (col. 14, lines 40-45), and receiving offer

information from a content provider, i.e. merchant, via an electronic page or interactive

television page with an embedded advertisement request, i.e. a broadcast that reaches a plurality

of potential consumers, wherein said offer information relates to a product (*e.g.* Fig. 3, col. 7,

line 65 through col. 8, line 43 and col. 9, lines 37-44). Angles further teaches the advertisement

provider retrieving the consumer preference information from a demographic database associated

with the consumer (*e.g.* Fig. 3, col. 8, lines 19-24 and line 61 through col. 9, line 1, and col. 19,

lines 53-63), amending the electronic page with an advertisement customized according to the

consumer preference information, i.e. customizing the offer information received from the

merchant via the broadcast according to the consumer preference information to create an

amended offer for the consumer (*e.g.* Fig. 3, col. 8, lines 24-30, col. 9, lines 1-4 and col. 20, line

60 through col. 21, line 18), and transmitting the amended offer to a display for viewing by the

consumer (*e.g.* Fig. 3, col. 8, lines 28-30 and col. 9, lines 5-10).

Angles does not teach receiving, by an interface device, restriction information associated

with a consumer, wherein the restriction information is provided by at least one of the parent of

the consumer and the employer of the consumer; storing the restriction information in at least

one database associated with the consumer; receiving, by the interface device, consumer

identification information associated with a card including card information corresponding to the

consumer; retrieving, by the interface device, the consumer preference information and the

restriction information from the at least one database based on the received consumer

identification information; customizing, by the interface device, the offer information received

from the merchant with prestored offer information retrieved from at least one database, to create

an amended offer for the consumer, wherein the prestored information is selected according to

the consumer preference information and the restriction information, and wherein the amended

offer includes at least one specified method of acceptance determined by at least one of the

consumer identification information and the restriction information; transmitting, from the

interface device, the amended offer with the at least one specified method of acceptance to a

display for viewing by the consumer; receiving, by the interface device, an acceptance of the

amended offer from the consumer, wherein the acceptance is associated with the amended offer

and the acceptance includes the card information; retrieving, by the interface device, consumer

payment information from the database based on the received consumer identification

information; amending, by an amended offer processor, the acceptance with the consumer

payment information to create an amended acceptance upon receipt of the acceptance from the

consumer by the interface device; and transmitting, by the interface device, the amended

acceptance to the merchant.

A second remarkable prior art, also discussed in prior office actions, is Greenberg, US

2003/0144913 A1 (hereafter referred to as "Greenberg"). Greenberg teaches a method and

apparatus for conducting electronic commerce where an email offer is sent to prospective

customers, such offer specifying a method of acceptance (Fig. 2 and ¶¶0016 and 0018 – note the

method of acceptance is the "Purchase 'button'"), an acceptance is received from the consumer,

wherein the acceptance is associated with the offer and the acceptance includes a security feature (Figs. 2 and 3, and ¶0018), the acceptance is amended with consumer payment information and identification information to create an amended acceptance (¶0021 – note the consumer payment information and identification are in the email in advance and the amended acceptance is performed by activating the "Purchase Using Default Options" button); and the amended acceptance is transmitted to the merchant (Fig. 3 and ¶¶0019 and 0021 – note the transmittal is performed by notifying the merchant server). However, Greenberg does not cure the other deficiencies of Angles.

A third remarkable prior art, previously cited, is Hartman et al., US 5,960,411 (hereafter referred to as "Hartman"). Hartman teaches a method and apparatus for placing an order to purchase by "one-click shopping" (see, e.g., Abstract). Hartman teaches storing by a server, i.e. an interface device, consumer payment information and identification information in a database (Figs. 2 and 3, col. 5, line 59 through col. 6, line 4 and col. 6, lines 48-50), retrieving by the interface device consumer payment information and consumer identification information from a database associated with the consumer (Fig. 3 and col. 6, lines 52-67) and amending by the interface device the acceptance with the consumer payment information and the consumer identification information to create an amended acceptance upon receipt of the acceptance from the consumer by the interface device (Fig. 5 and col. 7, lines 25-30 – note the acceptance from the consumer is the single action needed to place the order). However, Hartman does not cure the other deficiencies of Angles or Greenberg.

A fourth remarkable prior art, previously cited, is Nambiar et al., US 2002/0128977 A1 (hereafter referred to as "Nambiar"). Nambiar teaches a microchip-enabled online transaction system and method that uses a smart card, a smart card reader and a user specific identification signature to receive information associated with a card including card information corresponding to the consumer and to better authenticate a user. Nambiar teaches receiving consumer identification information associated with a card including card information corresponding to the consumer from a smart card (Fig. 3 and ¶¶0028, 0045 and 0046 – note the host system receives the digital wallet from the smart card which contains consumer information) and receiving an acceptance of an offer including smart card information (¶0045). However, Nambiar does not cure the other deficiencies of Angles, Greenberg or Hartman.

Another remarkable prior art, newly cited, is Ellis et al., US 2007/0061204 A1 (hereafter referred to as "Ellis"). Ellis teaches a method and system for dynamically incorporating advertising content into multimedia environments including receiving, by an interface device, parental control features setting an appropriate level and restricting certain genres of advertising to be sent to the child, i.e. receiving and storing restriction information associated with a consumer, wherein the restriction information is provided by at least one of the parent of the consumer and the employer of the consumer (¶0069); retrieving the consumer preference information and the restriction information based on the consumer and filtering out those advertisements that are part of a prohibited genre, i.e. customizing the offer information received from the merchant with prestored offer information retrieved from at least one database, to create

an amended offer for the consumer, wherein the prestored information is selected according to

the consumer preference information and the restriction information (¶¶0069-0073). However,

Ellis does not cure the other deficiencies of Angles, Greenberg, Hartman or Nambiar.

A final remarkable body of art pertains to restrictions on payment, for example, a parent

or employer placing restrictions on employee or child accounts that limit or prohibit avenues in

which the employee or child can use the account. One example is Picciallo, US 2004/0093303

A1, newly cited, that teaches a method and system to set up a dependant account and limiting the

amount of funds the dependent may withdraw at a time or spend on at least one class of goods

(see, e.g., ¶¶0073-0081). A second example is Fleming, US 5,953,710, newly cited, that teaches

a method and system that allow for a parent or employer to set up an account limiting the number

of expenditures or the available credit for the expenditures (see, e.g., Abstract and columns 9-

15). A final example is Nakano et al., US 5,845,260, newly cited, that teaches a system and

method for a parent to control the child's charging of on-line services by setting up an account

for the child with a limit (see, e.g., Abstract and columns 3-8). While these all teach setting

restrictions on payment and adjusting the acceptance for these restrictions, these do not fairly

teach or reasonable render obvious the method of claim 1 where offers are customized using the

restriction information and having a specified method of acceptance based on restriction

information in the context of the method, or the method of claim 1 taken as a whole.

Thus the prior art taken as a whole does not anticipate nor fairly and reasonable render obvious the method of claim 1, even though the art may teach many of the steps of principles of the method.

Claims 2-11 and 19.

Claims 2-11 and 19 are dependencies of independent claim 1 and are allowable over the prior art for the reasons identified above with respect to claim 1.

Claim 12.

Claim 12 recites an apparatus comprising an interface device including processor, a memory, a device and an application program, with the interface device configured to perform functions consistent with and parallel to the limitations of the method of claim 1. This apparatus is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claims 13-17 and 20.

Claims 13-17 and 20 are dependencies of independent claim 1 and are allowable over the prior art for the reasons identified above with respect to claim 1.

<u>Claim 21.</u>

Claim 21 recites an article comprising a computer-readable medium having stored instructions that when executed cause a processor to perform functions consistent with and parallel to the limitations of the method of claim 1. This apparatus is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMEE A. SHAH whose telephone number is (571)272-8116. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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